

# MEMO ENDORSED

## Greenberg Traurig

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### VIA HAND DELIVERY

The Honorable Naomi R. Buchwald  
United States District Judge  
United States Courthouse  
500 Pearl Street, Rm 2270  
New York, New York 10007

Re: *Physicians Mutual Insurance Company, et al. v Greystone Servicing Corporation, Inc., et al.*, Civil Action Number 07 CV 10490 (NRB)

Judge Buchwald:

We represent Defendants Greystone Servicing Corporation, Inc. ("Greystone Servicing"), Greystone Funding Corporation ("Greystone Funding"), Greystone & Co., Inc. ("Greystone & Co."), Stephen Rosenberg ("Rosenberg"), Robert R. Barolak ("Barolak"), and Curtis A. Pollock ("Pollock"), the Defendants in the above referenced litigation. As this Court is aware, currently pending is the Defendants' motion to stay this litigation to await the outcome of the appeal before the Seventh Circuit in the related Physicians Mutual Insurance Company, et al. v. Asset Allocation and Management, et al. matter. We have learned that, earlier today, Judge Conlon dismissed that matter on a motion brought by Asset Allocation. This dismissal moots the appeal and eliminates the basis for Defendants' motion to stay the present case. Given that this Court has not yet ruled on the motion to stay, we wanted to bring this dismissal to your attention promptly, and ask that Defendants be permitted to withdraw this motion.

The Defendants propose that this Court enter a briefing schedule on their motion pursuant to F.R.Civ.P. 12(b)(6) to dismiss this suit in its entirety. This 12(b)(6) motion was the subject of the Defendants January 11, 2008 letter requesting a pre-motion conference. In April of this year, the Court set a briefing schedule for this motion, which was suspended prior to the initial brief being filed so that the Court could consider the motion to stay. We have contacted Plaintiffs' counsel to discuss a new briefing schedule, and we hope to present an agreed briefing schedule to the Court for its consideration before the end of next week.

Please advise us if the Court has any questions or concerns.

Respectfully submitted,

*José Isasi*  
José A. Isasi, II

*William Wargo*  
William Wargo

cc: Richard E. Carmen, Esq. (via facsimile and U.S. Mail)  
James J. Frost, Esq. (via facsimile and U.S. Mail)

